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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,423	08/28/2003	Peter R. Anderson	47079-0232	7233

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CHICAGO, IL 60606

EXAMINER
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WILLIAMS, ROSS A

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/650,423

Applicant(s)

ANDERSON ET AL.

Examiner

Ross A. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 11, 16 - 24, 26 - 29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 11, 16 - 24, 26 - 29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1 – 11, 16 – 24, 26 – 29 and 31 are currently pending.

Claims 12 – 15, 25 and 30 have been cancelled.

Claims 6, 9, 21, 22, 26 and 27 have been amended.

The Examiner is withdrawing the rejections of claims 5, 11 and 20 under 35 U.S.C. 112 second paragraph for being indefinite in light of the Applicants remarks.

The Examiner is withdrawing the rejections of claims 6, 9, 12, 21, 22, 27 and 31 under 35 U.S.C. 112 second paragraph for being indefinite in light of the Applicants remarks and amendments. The Examiner agrees with the Applicant that the term "substantially" is a broad term. The Examiner also feels that the term is extremely subjective and will thus be interpreted in that manner. However the term will be afforded patentable weight to further prosecution of the claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "optimum" in claims 5, 11 and 20 is a relative term that renders the claims indefinite. The term "optimum" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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Accordingly the term will not be given patentable weight in determining the scope of the claims.

The term "substantially" in claims 6, 9, 12, 21, 22, 27 and 31 is a relative term that renders the claims indefinite. The term "substantially" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Accordingly the term will not be given patentable weight in determining the scope of the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4 – 6, 22, 24 – 27, 29 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (US 6,884,173) in view of O'Donovan et al (US 2003/0195031) in view of Hughs-Baird (US 6,468,156).**

**Claim 1, 2, 3, 7, 16, 17, 18, 22, 24, 25, 27,29:** Gauselmann discloses a method of configuring electronic game machines (EGMs) by an operator for game play. The operator physically initializes an EGM configuration program, wherein the configuration program presents to the operator a plurality of different configuration options. The configuration options are shown on a menu driven display screen on the

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machine (1:35 – 45). The operator may also configure the EGMs remotely by means of a data network (1:46 – 49). The configuration program as displayed on the EGM can be seen in FIG 6 of Gauselmann. It can be seen that for one single game theme such as Game “X” the operator can configure what denomination that EGM will function as (i.e. Denom I; II, III, etc). The operator can also select how many reels the EGM will use. The screen displays the available values for the Maximum number of paylines, how much can be bet per payline, and the average payout percentage or mathematical models. The operator is able to configure the EGM to operate according to the selected parameters (4:10 – 16). Gauselmann thus discloses the displaying of various gaming parameters such as multiple denominations, the number of paylines per denomination and the payout percentages per denomination. Gauselmann discloses the displaying of a first plurality of math models that are selectable by the operator and configuring the EGM based upon them. Gauselmann discloses a menu-based display that is used to configure an EGM. Gauselmann further discloses a form of a hierarchical menu display wherein the configuration options may present a number of preselected settings for the operator to choose from (Gauselmann 4:40 – 43). Gauselmann also discloses that different variables may be associated with subsequent menus (Gauselmann 4:44 – 45). Gauselmann discloses math models that can be viewed as payline values (Gauselmann FIG 6). As seen in FIG 6 the operator can select various paylines and then has the option of selecting the same payout percentages. Thus, the payout percentages can be substantially the same for different maximum payline values. Gauselmann does not specifically disclose the configuring of the game machine based upon a selection of a

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first maximum number of paylines and a selection of a second maximum number of paylines. However, O'Donovan discloses a configuration routine, that may be accomplished by the player of the game or an operator of the gaming establishment, wherein the operator first selects the denomination of the game and in response to the selection of the game's denomination the operator can then select the number of paylines to be used in the game (O'Donovan Fig 4A). Hughs-Baird (hereinafter Hughs) teaches a game machine that can be configured by the game establishment to operate according to multiple coins denominations. Hughs discloses that the game machine possesses "Bet Circuitry" programmed with specific bet software adapted to configure the gaming machine to have a plurality of discrete Bet Values (BV) available to the game player (Hughs 3:20 – 26). The bet values or BV's are based upon coin denominations and the maximum payout awards are based upon multiples of the coin denominations (Hughs 3:49 – 52). Hughs discloses a game that allows for a flexible payout award system in that the player is able to receive payouts that are adjusted according the amount of the initial wager or BV. If the player wagers below a certain bet threshold then game will proceed according to a first paytable. However if the player wagers above at or above a certain threshold then the game will proceed according to a second different paytable (Hughs 4:52 – 67; 6:52 – 65). Hughs specifically discloses that the game operator can configure the game machine by means of a menu display on the game machine (Hughs 7:62 – 8:6).

It would be obvious to one of ordinary skill in the art to be motivated to modify Gauselmann in view of O'Donovan and in further view of Hughs to provide a game

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machine that can be configured by means of a menu display wherein the operator can configure the game machine to operate based upon two types of denominations and also based upon two different types of max payline values in response to the selection of game denominations. It would be obvious to use modify Gauselmann in view of O'Donovan and Hughs in view of O'Donovan teaching that if the gaming machine can not be configured easily the player may lose interest and discontinue gaming (O'Donovan par 0005). Hughs teaches that it would be beneficial to provide a multiple game platform gaming machine which can easily enable the gaming machine manufacturer to more flexibly control the pay table schemes of the selected games (Hughs 2:65 – 3:3).

**Claims 4, 10, 19, 26 and 31:** Gauselmann discloses the use of a touchscreen display to configure an EGM. The touchscreen display presents to the operator the option of selecting various payline values and denomination values. Gauselmann discloses the detection of a save indication of the game configuration settings by uploading them to the configuration server (Gauselmann 4:46 – 51). Gauselmann discloses that the game machine uses mechanical buttons that the player can press to actuate a max bet functionality and any other suitable button (Gauselmann 2:54 – 61). The Examiner takes the position that it is well known in the art that a max bet button also corresponds to the player wagering on the maximum number of payline possible. This is a common feature that enables to player to quickly wager the maximum amount of money on all the paylines. It would be obvious to one of ordinary skill in the art to

assign mechanical buttons to correspond to various gaming functions of the game machine. Gauselmann discloses that the operator can configure the denomination of a game machine and also configure the payback percentage per denomination (Gauselmann 4:32 – 37). As can be seen from the combination as discussed above, the combination of Gauselmann, Hughs, and O'Donovan would provide a game machine wherein the player can configure a game machine that can operate according to multiple denominations and different payback percentages per denomination.

**Claim 5:** Gauselmann discloses that the EGM is designed to have selectable values that are configured by the EGM designer. These values correspond to the number of available paylines and the denominations of the machine (FIG 6). These values are inherently optimum values.

**Claims 6, 8, 9 and 21:** Gauselmann discloses that the configuration screen displays multiple (i.e. first and second) maximum payline values and payback percentages (FIG 6). As can be seen from the combination as discussed above, the combination of Gauselmann, Hughs, and O'Donovan would provide first and second payline amounts that are configurable per denomination, that are different another.

**Claims 11 and 20:** Gauselmann discloses that the EGM is designed to have selectable values that are configured by the EGM designer. These values correspond to the number of available paylines and the denominations of the machine. These values are inherently optimum values that provide optimum game play.

**Claims 26 and 31:** Gauselmann discloses the detection of a save indication displayed on the screen (Gauselmann 4:46 – 51). Gauselmann discloses that the game

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machine uses mechanical buttons wherein the player can press to actuate a max bet functionality (Gauselmann 2:54 – 61). The Examiner takes the position that it is well known in the art that a max bet button also corresponds to the player wagering the maximum amount of credits or money on the maximum number of payline possible. This is a common feature that enables to player to quickly wager the maximum amount of money or credits on all the paylines. Thus, it would be obvious for Gauselmann to utilize mechanical buttons that correspond to the configured first or second maximum payline value during game play utilizing the configured first or second denomination values. Thus depending upon what selected denomination mode the EGM is operating in the player is able to select a mechanical “max bet” button to make his max credit wager on the maximum number of paylines. The various payline values can also be thought of as math models as discussed above in references to claims 22, 23 and 25.

**Claims 23 and 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (US 6,884,173) in view of Walker (US 2003/0119479).**

**Claims 23 and 28:** Gauselmann does not specifically disclose the displaying of mathematical models that comprise probability tables. However Gauselmann does disclose the displaying of payback percentages, which are indicative of a certain probability that is associated with the game. Walker however discloses the customizing of a game machine wherein the player is able to customize select parameters of the game and yet the game machine still provides the same payout percentages to the player despite the customizations (Walker Abstract). Walker also discloses that the

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game machine will display to the player tables of probabilities of various outcomes (Walker page 21: par 0271).

It would be obvious to one of ordinary skill in the art to modify Gauselmann in view of Walker to display probability tables to the operator. This would enable the operator be able to be better informed when configuring the gaming machine. The operator would be able to know probabilities that are associated with a certain customization to the gaming machine.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 11 and 16 – 31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross A. Williams whose telephone number is (571) 272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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